

UNITED STATES DISTRICT COURT	
DISTRICT OF MASSACHUSETTS	
CITY OF BOSTON INSPECTIONAL)
SERVICES DEPARTMENT,)
Plaintiff,)
)
v.) C.A. No. 17-10453-LTS
)
HELEN CAMERON,)
Defendant.)

ORDER REMANDING CASE

SOROKIN, D.J.

On March 16, 2017, pro se defendant Helen Cameron removed this action to federal court. Along with her notice of removal, she filed a motion to proceed *in forma pauperis*. “Only state-court actions that originally could have been filed in federal court may be removed to federal court by the defendant.” Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987). Here, defendant has removed an action filed in the Commonwealth of Massachusetts Housing Court Department by the City of Boston for appointment of a receiver to enforce the Commonwealth of Massachusetts sanitary code. The Court discerns no basis on which this action could have originally been brought in this Court under either 28 U.S.C. §§ 1331 or 1332, and therefore the defendant is unable to remove the action to this court under 28 U.S.C. §§ 1441(a) or (b). Even if the defendant possessed a defense or counterclaim premised on federal question, it is “settled law that a case may *not* be removed to federal court on the basis of a federal defense...even if the defense is anticipated in the plaintiff’s complaint...” Caterpillar Inc. v. Williams, 482 U.S. 386, 393 (1987). See Kiely v. Canty, 102 F.Supp. 3d. 359, 368 (D. Mass. 2015)(observing well settled rule that “defendants may remove only on the basis of claims brought against them and not on the basis of counterclaims or defenses asserted by them.”); In re Whatley, 396 F. Supp. 2d 50, 54 (D. Mass. 2005).

Accordingly, because this court has no subject matter over the action it is hereby REMANDED to the Commonwealth of Massachusetts Housing Court Department pursuant to 28 U.S.C. 1447(c). Plaintiff's motion to proceed *in forma pauperis* is DENIED as it is incomplete.
SO ORDERED.

March 21, 2017
DATE

/s/ Leo T. Sorokin
LEO T. SOROKIN
UNITED STATES DISTRICT JUDGE